

REMARKS

The present application was filed on June 27, 2003 with claims 1-28. Claims 1-28 are currently pending in the application. Claims 1, 18, 20, 21, 24, 27 and 28 are the pending independent claims.

In the outstanding Office Action dated January 18, 2007, the Examiner: (i) rejected claim 20 under 35 U.S.C. § 101; (ii) rejected claims 1-20 and 28 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2004/0185900 to McElveen (hereinafter "McElveen"); (iii) rejected claims 21-23 under 35 U.S.C. § 103(a) as being unpatentable over McElveen in view of U.S. Patent No. 6,748,052 to Zellner (hereinafter "Zellner"); and (iv) rejected claims 24-27 under 35 U.S.C. § 103(a) as being unpatentable over McElveen in view of U.S. Patent Publication No. 2003/0129977 to Dolwin. (hereinafter "Dolwin").

In this response to the rejections, Applicants have amended claims 1, 18, 20, 21, 24, 27 and 28. Applicants respectfully request reconsideration of the present application in view of the amendments above and remarks below.

With regard to the rejection of claim 20 under 35 U.S.C. § 101, Applicants have amended claim 20 as recommended by Examiner. Claim 20 now recites a "computer readable medium." Accordingly, withdrawal of the § 101 rejection of claim 20 is therefore respectfully requested.

With regard to the rejection of claims 1-20 and 28 under 35 U.S.C. § 102(e) as being anticipated by McElveen, independent claims 1, 18, 20 and 28 have been amended to further clarify the determination of whether to use an image. More specifically, independent claims 1, 18, 20 and 28 have been amended to recite that the determination of whether to use the at least one image is through the application of one or more rules of a user-specified service offering specification and one or more rules of a previously entered user specification having user preferences. Support for these amendments can be found on page 16, lines 1-23 and page 17, lines 11-16 of the Specification.

McElveen discloses a cell phone and cell phone monitoring system where the cell phone includes at least one hot button or voice executable command which instructs the phone to acquire digital image data from an associated digital camera and optionally other data and send the data to a

pre-set number representing the monitoring system. Further, while McElveen discloses the testing of data to determine if it includes an emergency situation indicator in a conditional E code test step, the reference fails to teach or suggest that a determination as to whether or not to use an image is based on rules of a user-specified service offering specification and a previously entered user specification having user preferences, as recited in independent claims 1, 18, 20 and 28.

Dependent claims 2-17 and 19 are patentable at least by virtue of their dependency from independent claims 1 and 18, and also recite patentable subject matter in their own right. Accordingly, withdrawal of the §102(e) rejection of claims 1-20 and 28 is therefore respectfully requested.

With regard to the rejection of claims 21-23 under 35 U.S.C. §103(a) as being unpatentable over McElveen in view of Zellner, independent claim 21 has been amended to further clarify the determination of whether to use an image. More specifically, independent claim 21 has been amended to recite that the determination of whether to use the at least one image is through the application of one or more rules of a user-specified service offering specification and one or more rules of a previously entered user specification having user preferences. Support for this amendment can be found on page 16, lines 1-23 and page 17, lines 11-16 of the Specification.

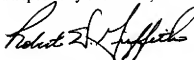
Zellner discloses a system and method for remotely controlling one or more monitoring devices in a user's household in the event of an emergency so as to more productively monitor the emergency situation on a real-time basis. However, Zellner fails to remedy the deficiency of McElveen described above. Therefore, the combined teaching of McElveen and Zellner fails to teach, suggest or render obvious that a determination as to whether or not to use an image is based on rules of a user-specified service offering specification and a previously entered user specification having user preferences, as recited in independent claim 21. Dependent claims 22 and 23 are patentable at least by virtue of their dependency on independent claim 21, and also recite patentable subject matter in their own right. Accordingly, withdrawal of the §103(a) rejection of claims 21-23 is therefore respectfully requested.

With regard to the rejection of claims 24-27 under 35 U.S.C. §103(a) as being unpatentable over McElveen in view of Dolwin, independent claims 24 and 27 have been amended to further clarify the transmission of the image to a security service. More specifically, independent claims 24 and 27 have been amended to recite that the transmission of the image to a security service is in accordance with the application of one or more rules of a user-specified service offering specification and one or more rules of a previously entered user specification having user preferences. Support for this amendment can be found on page 16, lines 1-23 and page 17, lines 11-16 of the Specification.

Dolwin discloses methods of using mobile phones to locate trapped or buried victims of natural or man-made disasters. However, Dolwin fails to remedy the deficiency of McElveen described above. Therefore, the combined teaching of McElveen and Dolwin fails to teach, suggest or render obvious that a determination as to whether or not to use an image is based on rules of a user-specified service offering specification and a previously entered user specification having user preferences, as recited in independent claims 24 and 27. Dependent claims 25 and 26 are patentable at least by virtue of their dependency on independent claim 24, and also recite patentable subject matter in their own right. Accordingly, withdrawal of the §103(a) rejection of claims 24-27 is therefore respectfully requested.

In view of the above, Applicants believe that claims 1-28 are in condition for allowance, and respectfully request withdrawal of the §101, §102(e) and §103(a) rejections.

Respectfully submitted,



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